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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,102	07/17/2003	Stephen S. Ing	IVT.0072C1US	8437
21906	7590	03/14/2008	EXAMINER	
TROP PRUNER & HU, PC			VO, TUNG T	
1616 S. VOSS ROAD, SUITE 750				
HOUSTON, TX 77057-2631				
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			03/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,102	<b>Applicant(s)</b> ING ET AL.	
	<b>Examiner</b> Tung Vo	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-6, 13-15, 22-24 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 7-12, 16-21 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6, 13-15, 22-24 and 28-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-6, 13-15, 22-24, 28-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoneyama et al. (US 6,26,772).

Re claims 4, 13, and 22, Yoneyama discloses a method for controlling a video image compression system (fig. 1) comprising: acquiring a compression time (8 of fig. 1, T<sub>next</sub> and T<sub>last</sub>) associated compressing a video frame of raw video image data using a processor (fig. 1);

a video controller (8 of fig.1) coupled to a bit rate controller (5 and 6 of fig. 1) for determining whether the processor is limited in its ability to compression time (Tlast and Tnext, col. 6, lines 55-65) video image data based on whether a difference between a compression time for a current frame (Tnext for an image is encoded and a target frame period (a skip time interval, Tlast is time for an image encoded before and an image immediate encoded) exceeds a threshold amount (8, 4, and 2 of fig. 1, comparing Tlast and Tnext time for suitable encoding by decision detector, col. 7, lines 47-57) to facilitate adjusting of a target frame rate at least in part on the compression time (Tnext time is in part of compression time, 5 and 6 of fig. 1, adjusting the target bit rate for compression).

Re claims 5,14, 23, Yoneyama further discloses wherein said target frame rate is adjusted (5 and 6 of fig. 1) to a value equal to a frame rate of a video capture device divided by an integer divisor (16x16 samples or 4x4 samples, 13 of fig. 1).

Re claim 6, Yoneyama further teaches video input signal for compression is inherently 30 frames per seconds and the integer divisor has a value between 1 and 30.

Re claims 28-30, Yoneyama further discloses wherein the threshold amount corresponds to a predetermined portion of the target frame period (col. 7, lines 62-67; col. 6, lines 55-67).

Re claim 31, Yoneyama further discloses a compressor (fig. 1) including said bit rate controller (5 and 6 of fig. 1), said compressor further comprising; a first queue to store the raw video image data (1 of fig. 1); a codec (15 of fig. 1) coupled to the first queue to compress the raw video image data; and a second queue (15 of fig. 1) coupled to the codec to store the compressed video image data.

Re claim 32, Yoneyama further discloses wherein the processor is to control a compression rate of the codec (4-6, and 8 of fig. 1).

Re claims 33-37, Yoneyama further discloses storing compressed video image data for said video in a buffer (16 of fig. 1), said stored compressed video image data to be transmitted over a transmission medium (CODED OUTPUT of fig. 1); adjusting the target frame rate based on at least in part on the compression time (4 and 8 of fig. 1).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katta (US 6,094,455) discloses a variable transfer rate control coding apparatus.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/  
Primary Examiner, Art Unit 2621